

### **REMARKS**

This responds to the Office Action dated June 13, 2008.

No claims are amended or cancelled. Claims 1-5 and 7-20 remain pending in this application.

#### **§103 Rejection of the Claims**

Claims 1, 5, 7 and 9-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Helland et al. (U.S. Patent No. 5,318,572).

#### **Claims 1, 5, 7, 9, and 10**

Applicant traverses the obviousness rejection of claim 1. Applicant believes claim 1 is not obvious in view of the Helland reference since the reference does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the Helland reference: wherein the outer surface of the lead body is adapted such that a layer of blood cells is formed on the outer surface when exposed to a bloodstream, as recited in claim 1. In contrast, Helland does not describe anything about the lead body outer surface. Col. 4, lines 8-10 of Helland merely disclose that the lead is formed of a biocompatible, biostable material. However, nothing in the Helland reference indicates or suggests that the lead body is adapted such that a layer of blood cells is formed on the outer surface when exposed to a bloodstream, as recited in claim 1.

Also, Applicant cannot find in Helland: wherein the outer surface of the ring electrode includes a textured coating including titanium microspheres, as recited in claim 1. Helland does not include or suggest a ring electrode having a textured coating.

The Final Office Action asserts that it would have been obvious “to modify the system as taught by Helland with a ring electrode since such a modification is well known in the medical art for providing the predictable results of providing bi-polar pacing with the tip electrode, pacing multiple sites, or with a ring electrode minimizing thrombosis by not having the ring electrode contacting the vessel wall.” (Pages 2-3 of Final Office Action).

However, even if Helland used a ring electrode, there is nothing in the Helland reference to suggest that the ring electrode would be texturized. The Helland reference discusses that the texturizing treatment on the electrode distal tip 60 is to “create a plurality of pore sites and

interstitial porosity for chronic ingrowth of tissue.” (Col. 6, lines 6-8). Neither the Office Action nor Helland give any indication of a need for such chronic ingrowth of tissue on a ring electrode. Accordingly, there is no reason or suggestion for such a modification of the Helland reference.

Claims 5, 7, 9, and 10 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

#### Claims 11-16

Applicant believes claim 11 is not obvious in view of the Helland reference since the reference does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the reference: wherein the lead body has a textured outer surface adapted to form a layer of blood cells on the outer surface when exposed to a bloodstream so as to passively prevent formation of clots on the outer surface, as recited in claim 11. As discussed above, Helland does not describe anything about the lead body outer surface. Col 4, lines 8-10 merely disclose that the lead is formed of a biocompatible material.

Moreover, Applicant cannot find in the Helland reference: wherein the ring electrode includes an outer textured surface including titanium microspheres, as recited in claim 11. As discussed above, neither the Office Action nor Helland give any indication of a need for such chronic ingrowth of tissue on a ring electrode. Accordingly, there is no reason or suggestion for such a modification of the Helland reference.

Claims 12-16 include each limitation of their parent claim and are also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

#### Claims 17 and 18

Applicant believes claim 17 is not obvious in view of the Helland reference since the reference does not include or suggest each limitation recited in the claim. For instance, Applicant cannot find in the Helland reference: forming the lead body such that a layer of blood cells is formed on an outer surface of the lead body when exposed to a bloodstream, as recited in claim 17. As discussed above, Helland does not describe anything about the lead body outer surface. Col 4, lines 8-10 merely disclose that the lead is formed of a biocompatible material.

Moreover, Applicant cannot find in the Helland reference: a titanium microsphere outer surface coating on at least a portion of the ring electrode, as recited in claim 17. As discussed above, neither the Office Action nor Helland give any indication of a need for such chronic ingrowth of tissue on a ring electrode. Accordingly, there is no reason or suggestion for such a modification of the Helland reference.

Claim 18 includes each limitation of its parent claim and is therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

#### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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Date

8/13/08

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13 day of August 2008.

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